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8 DRIVE PVT, LLC

9 **UNITED STATES DISTRICT COURT**
10 **NORTHERN DISTRICT OF CALIFORNIA**

11 AMAZON.COM, INC et al,
12 Plaintiff,

13 vs.

14 MUHAMMAD MUDASSAR
15 ANWAR, an individual, TECH DRIVE
16 PVT, LLC, a New York Limited
Liability Company, et al.

17 Defendants.

Case No.: 3:23-cv-05580-TLT-RI

Honorable Judge: Trina L. Thompson

**REPLY RE MOTION TO
SETASIDE DEFAULT AND
DISMISS CASE FOR LACK OF
PERSONAL JURISDICTION**

Hearing

Date: February 25th, 2025

Time: 2:00 p.m.

Place: 450 Golden Gate Avenue,
Courtroom #9 (19th Floor) San
Francisco, CA 94102.

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25 **REPLY**

26 Defendant replies to Plaintiff's opposition as follows.
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1 1. Plaintiff has not cited any case for its proposition that an address listed on a
2 website with a California address (with a 408-area code phone number)
3 equates to personal jurisdiction. See Opp. p.3 at 26-27. An address on a
4 website does not amount to “*expressly aiming at a forum*” nor does Plaintiff
5 explain any plausible theory how (the true culprit) would have known they
6 were “*causing harm likely to be suffered in the forum state.*” as Plaintiff
7 alleges at Opp. p.9 at 11-14. No facts means no grounds for specific
8 jurisdiction.
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11 The “mere fact that [a defendant’s] conduct affected plaintiffs with
12 connections to the forum State does not suffice to authorize jurisdiction.” *Walden*,
13 571 U.S. at 284 (2014). Rather, courts consider two factors to assess whether a
14 defendant has purposefully directed his actions at the state. “First, the relationship
15 must arise out of contacts that the defendant himself creates with the forum State.”
16 *Burger King*, 471 U.S. at 475. Second, the “minimum contacts” analysis looks to
17 the *defendant’s contacts with the forum State itself, not the defendant’s contacts*
18 *with persons who reside there.* Id. “Due process limits on the State’s adjudicative
19 authority principally protect the liberty of the nonresident defendant—not the
20 convenience of plaintiffs or third parties.” *Walden*, 571 U.S. at 284.
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25 Plaintiff makes no showing as to how Defendant (a victim of identity theft –
26 see attached police report) was targeting California authors/customers and
27 intending to harm California consumers.
28

1 2. Plaintiff initially claimed that the Namecheap domain name registration
2 contract provided personal jurisdiction over Defendant. They have not
3 responded to this objection and have thus waived this argument, which had
4 no merit in the first place. Defendant did not register the domains in question,
5 nor did he post the websites, nor add an address to such website. See
6 Declaration of Muhammad Anwar.
7

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9 3. If Defendant truly owns and posted the websites at issue, he would have
10 surely deleted the one Plaintiff claims is still posted. In fact, Defendant did
11 not post any of the three websites and has no ability to take them down. See
12 Declaration. Even had he posted any of these websites, this alone lacks a
13 legal basis for this court to exercise jurisdiction.
14

15 The Ninth Circuit has found that *foreign acts having a foreseeable effect in*
16 *the forum state alone are insufficient to meet this standard*. Rather, "something
17 more," meaning "express aiming" at the forum, is required. *Brayton Purcell LLP v.*
18 *Recordon & Recordon*, 606 F.3d 1124, 1129 (9th Cir. 2010). (*Silicon Econ., Inc. v.*
19 *Fin. Accounting Found. & Fin. Accounting Stds. Bd.* (N.D.Cal. Nov. 24, 2010, No.
20 10-CV-01939-LHK) 2010 U.S.Dist.LEXIS 130989, at *15.) (emphasis added).
21
22

23 4. Plaintiff was informed that Defendant was a victim of identity theft (a
24 meritorious defense to the allegations in this complaint), apparently, despite
25 a police report in hand, Plaintiff seeks to hold Defendant accountable for
26 something he did not do. Plaintiff was advised of this and are aware of this
27
28

1 since Defendant informed Plaintiff counsel of this as recently as December
2 20, 2024 (before their opposition was filed).



3  **Steve Vondran** <steve@vondranlegal.com>

Friday, December 20, 2024 at 6:48 PM

4 **To:** Goodell, Emily

5 PS I am going to send you the police report he filed for identity theft. You got the wrong guy here.

6 Have a nice evening.

7 Steve

8 A copy of the filed police report was sent to Plaintiff counsel and is attached
9 to Defendant's declaration.

10 5. Defendant cites no case to support its contention that a "*chat box*" makes a
11 website interactive under the law. This is conclusory and nothing more.

12 In fact, case law refutes their attempt to exercise personal jurisdiction on this
13 ground:
14

15 "Likewise, Silicon has not carried its burden to show that the FASB website
16 ought to expose FASB to general personal jurisdiction in California.
17 Although the FASB website is "interactive," in the sense that it can be used
18 to make purchases of FASB publications, there is no evidence about the level
19 or overall volume of FASB's sales in California, or how this compares to
20 sales from FASB's website in other states. *See Bancroft & Masters*, 223 F.3d
21 at 1086 (defining an "interactive" website as one that can be used to "make
22 purchases," and holding that "occasional" and "unsolicited" sales in the
23 forum state are insufficient to support general jurisdiction). **Generally,**
24 **Courts have been reluctant to find general jurisdiction based on internet**
25 **presence alone, even when the defendant hosts a highly interactive**
26 **website.** *See Coremetrics, Inc. v. AtomicPark.com, LLC*, 370 F. Supp. 2d
27 1013, 1019-20 (N.D. Cal. 2005) (collecting cases finding no general
28 jurisdiction based solely on website; finding general jurisdiction based on
highly-interactive website generating over \$3.3M in sales in forum in under
a year, in addition to agreements with third parties located in the forum;
purchases of over \$1M from forum residents; and multiple agreements to
submit to personal jurisdiction in the forum).

1 See *Silicon Econ., Inc. v. Fin. Accounting Found. & Fin. Accounting Stds.*
2 *Bd.* (N.D.Cal. Nov. 24, 2010, No. 10-CV-01939-LHK) 2010 U.S.Dist.LEXIS
3 130989, at *9-10.) (emphasis added).
4

5 6. Plaintiff additionally cites in conclusory fashion (Opp. p.10 at 11-13) that
6 “venue is proper for the same reasons.” Yet it is not at all clear how venue
7 would be proper in the Northern District of California. Amazon is admittedly
8 headquartered in Washington. Defendant has at all times been located in
9 New York, as Plaintiff makes clear in both its complaint and motion papers.
10 There is no practical or legal basis for the case to be heard in the Northern
11 District of California.
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14 7. Any delay in responding to this action was due to a lack of legal funds to hire
15 an attorney. He had no ability to respond at the time. See Defendant’s
16 declaration. At any rate, there is no grounds for personal jurisdiction.
17

18 8. There is no need for jurisdictional discovery. Plaintiff has always known
19 where Defendant is located. It is so stated in the original complaint. They
20 are not able to cite any applicable case law to support their allegations of
21 specific jurisdiction based on the flimsy facts at bar. Moreover, they are
22 suing an innocent party.
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1 **CONCLUSION**

2 For these reasons, the default entered by the Court as noted herein should be
3 set-aside and the case be dismissed for lack of personal jurisdiction, and the Court
4 should sign the submitted [proposed] ORDER to confirm such.
5

6
7 Respectfully Submitted,
8

9 Date: January 10, 2024

10
11 /s/SteveVondran
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18 Attorneys for Defendant
19 MUHAMMAD MUDASSAR ANWAR
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CERTIFICATE OF SERVICE

I, Lisa Vondran, declare that I am employed in the County of San Francisco, in the State of California. I am over the age of eighteen years and not a party to the within cause. My business address is: One Sansome Suite 3500, San Francisco, CA 94104. On January 10th, 2024, I served the following documents through the Court's ECF filing system to all registered users:

REPLY RE MOTION TO DISMISS, DECLARATION OF DEFENDANT

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct. Executed on January 10th, 2025, at Phoenix, Arizona.

/s/ Lisa Vondran
Lisa Vondran, Assistant